

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 5.00 and subsection (b)(68.3), Section 7.50  
and Repeal subsection(b)(73.5), Section 7.50  
Title 14, California Code of Regulations  
Re: Black Bass Seasons in Inyo, Shasta, Modoc, and Mono Counties  
and Repeal of Haiwee Reservoir Special Fishing Regulations

I. Date of Initial Statement of Reasons: July 5, 2006

II. Date of Amended Initial Statement of Reasons: August 25, 2006

III. Dates and Locations of Scheduled Hearings:

- |     |                     |  |
|-----|---------------------|--|
| (a) | Notice Hearing:     | Date: August 4, 2006<br>Location: Sacramento, CA     |
| (b) | Discussion Hearing: | Date: October 6, 2006<br>Location: San Diego, CA     |
| (c) | Discussion Hearing: | Date: November 3, 2006<br>Location: Redding, CA      |
| (d) | Adoption Hearing:   | Date: December 8, 2006<br>Location: Santa Monica, CA |

IV. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Under the black bass regulations Section 5.00, subsections (b)(68.3), and (b)(73.5), Section 7.50, Title 14, California Code of Regulations (CCR), it is legal to fish closed trout waters in Inyo and Mono counties for black bass all year. Enforcement staff is encountering increasing numbers of anglers that claim to be bass fishing while actually catch and release fishing for trout. During informal conversations with several anglers and one local fishing guide/outfitter, Enforcement has been told that some people are advocating catch and release trout fishing during closed trout season. In order to circumvent the current regulations, these anglers can claim to be bass fishing when contacted by a Warden. These areas are prized trout areas and the proposed regulation changes will help eliminate fishing for trout and the potential for hooking mortality on trout during the closed season.

Section 5.00(b)(5) is in direct conflict with Section 7.00(b)(7). Section 5.00 (b)(5) states that all waters of Mono County are open to black bass fishing all year while Section 7.00 (b)(7), states that Mono County waters are closed to all fishing when closed to trout fishing, except for unrestricted portions of Fish Slough which are open to fishing all year.

These proposed regulations will close the streams in the southwest portion of Inyo County, Section 7.00 (b)(2) to black bass fishing when the trout season is also closed and align the Mono County regulations in sections 5.00(b)(5) and 7.00 (b)(7). These proposed regulation changes clarify conflicting regulations, reduce public confusion, and

improve enforceability of the regulations.

Also in Inyo County, Haiwee Reservoir listed in sections 5.00(b)(16) and 7.50(b)(73.5), was closed by the Los Angeles Department of Water and Power (LADWP) to all public access, including fishing. This closure eliminates take-concerns outside of the general regulations and existing regulations could cause confusion for the public that the Haiwee Reservoir Special Fishing regulations may supersede LADWP's authority regarding trespass on LADWP lands. This proposed regulation is to remove Haiwee Reservoir from sections 5.00(b)(16) and 7.50(b)(73.5), to allow it to be covered under general fishing regulations and revise Section 7.50(b)(68.3), due to the renumbering of Section 5.00(b). This proposed regulation change will clarify conflicting regulations and reduce public confusion.

**In Shasta County, Section 5.00(b)(7), allows for a year round black bass open season, while Section 7.00(b)(4), limits the trout fishing season on Big Lake to the last Saturday in April through November 15. Big Lake is fed by a series of artesian springs along its north shore in the vicinity of Ahjumawi Lava Springs State Park. The water temperature in winter months is warmer where the water flows from these springs and largemouth bass use this area as a thermal refuge. Local anglers have discovered this phenomenon and have been targeting largemouth bass during the trout fishing closure specified in Section 7.00(b)(4) which is intended to protect Fall River trout stocks. There is no biological evidence suggesting that the angling activity occurring at Big Lake has had any effect on Fall River trout populations. This regulation proposal will allow a winter catch and release fishery (November 16 through the last Friday in April) for black bass on Big Lake. Department of Fish and Game Enforcement staff and the local angling community are in support of the proposed regulation change. The proposal will remove Big Lake from the Shasta County black bass regulations in Section 5.00 (b)(7) and place it in the Individual Bodies of Water section under a new Section 5.00(b)(9), with a season that runs from the last Saturday in April through November 15, with a 12" minimum size limit , daily bag of 5 and November 16 through the last Friday in April, daily bag limit of 0. This proposed regulation change clarifies conflicting regulations, reduces public confusion, provides angling opportunity with negligible impacts on other aquatic resources, and improves enforceability of the regulations.**

In Modoc County, Big Sage Reservoir is incorrectly identified as "Sage Reservoir" in Section 5.00(b)(4). The Big Sage Reservoir is the only correct name as shown on the Modoc National Forest and United States Geological Survey Quad series maps. This proposed regulation change would change the name to Big Sage Reservoir to provide consistency with identification of this body of water.

Minor changes are proposed to improve the clarity of the regulations.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section(s) 200, 202, 205, 215, 220, 240, 315, and 316.5 Fish and Game Code.

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- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendment.

V. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

No regulation change will require additional enforcement effort with limited personnel and resources effecting enforcement efforts elsewhere and provide for continued public confusion.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation. It is important to maintain the fishing opportunities and clarify regulations for black bass anglers while eliminating the illegal take of trout during the closed season.

VI. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VII. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These regulation changes simply clarify existing language and remove any angler perceived loopholes. No economic impacts are anticipated.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

## Informative Digest/Policy Statement Overview

Under the current black bass regulations, it is legal to fish closed trout waters in Inyo and Mono counties for black bass all year. Enforcement staff is encountering increasing numbers of anglers that claim to be bass fishing while actually catch and release fishing for trout. During informal conversations with several anglers and one local fishing guide/outfitter, Enforcement has been told that some people are advocating catch and release trout fishing during closed trout season. In order to circumvent the current regulations, these anglers can claim to be bass fishing when contacted by a Warden. These areas are prized trout areas and the proposed regulation changes will help eliminate fishing for trout and the potential for hooking mortality on trout during the closed season.

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